

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**NICHOLAS MARTIN,** )  
**Petitioner,** )  
**v.** ) **C.A. No. 20-193 Erie**  
**THE ATTORNEY GENERAL OF THE** )  
**STATE OF PENNSYLVANIA, et al.,** )  
**Respondents.** ) **District Judge Susan Paradise Baxter**  
**Magistrate Judge Richard A. Lanzillo**

## MEMORANDUM ORDER

This *pro se* action for habeas corpus relief was originally filed on July 9, 2020, by Petitioner Nicholas Martin, an inmate incarcerated at the State Correctional Institution at Rockview in Bellefonte, Pennsylvania (“SCI-Rockview”). In his habeas petition, Petitioner raises three claims of ineffective assistance of counsel challenging the conduct of his criminal trial attorney. The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On April 6, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied and that the issuance of a Certificate of Appealability be denied [ECF No. 14]. In particular, with regard to each of Petitioner’s claims, Judge Lanzillo concluded that the Pennsylvania Superior Court’s application of the two-prong inquiry established by the Supreme Court in Strickland v. Washington, 466 U.S. 668 (1984), was not unreasonable. Objections to the R&R were due to be filed by April 25, 2022; however, no objections have been received from Petitioner.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 17th day of May, 2022,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, without prejudice, and that a Certificate of Appealability is DENIED. The report and recommendation of Magistrate Judge Lanzillo, dated April 6, 2022 [ECF No. 14], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
United States Magistrate Judge

All parties of record